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INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8556
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RUEHPE/AMEMBASSY LIMA PRIORITY 6821
RUEHZP/AMEMBASSY PANAMA PRIORITY 2768
RUEHQT/AMEMBASSY QUITO PRIORITY 7515
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4720

C O N F I D E N T I A L BOGOTA 004397

SIPDIS

E.O. 12958: DECL: 12/12/2018
TAGS: [PTER](#) [PGOV](#) [PREL](#) [ECON](#) [SOCI](#) [CO](#)
SUBJECT: LEGAL OBSTACLE TO FARC DEMOBILIZATIONS NOT
RESOLVED BY ISAZA CASE

Classified By: Political Counselor John S. Creamer.
Reasons: 1.4 (b) and (d).

SUMMARY

11. (C) President Uribe announced that all Revolutionary Armed Forces of Colombia (FARC) members, including senior leaders, would avoid prosecution for human rights crimes if they assisted in hostage releases. Local legal experts said despite Uribe's assurances, the Wilson Bueno Largo (Isaza) case does not provide a legal precedent to allow senior FARC leaders to escape jail time--a key obstacle to senior FARC demobilizations. Defense Ministry legal advisor Monica Cifuentes privately told us the facts of Isaza's case--in which the Prosecutor General's Office (Fiscalia) ruled that Isaza did not commit the crime of kidnapping--would not apply to FARC leaders. End Summary.

12. (U) President Uribe announced on December 11 that all FARC members, including senior leaders, would escape jail time--even for human rights abuses--if they assisted in hostage releases. Presidential Peace Commissioner Luis Carlos Restrepo said the GOC would consider such demobilizations/hostage releases a form of a humanitarian exchange. Uribe's comments follow a decision by the Fiscalia not to prosecute FARC member Isaza for kidnapping. Isaza helped former congressman Oscar Lizcano, held by the FARC for eight years, to escape from a FARC camp on October 26. Isaza received a cash reward of about 420,000 USD, and traveled on December 11 with his girlfriend (also a former FARC member) to France, where they received political asylum.

13. (U) Local legal experts said there are no legal grounds to support Uribe's commitment. They said the Isaza case does not provide a legal precedent to allow senior FARC leaders to avoid prosecution for gross human rights violations--a key obstacle to high-level FARC demobilizations. Restrepo said he was tasked with finding the legal means to make Uribe's proposal viable. Under Colombia's Constitution, perpetrators of human rights violations cannot be pardoned or benefit from an amnesty.

14. (C) Cifuentes told us Isaza did not face human rights charges, because Lizcano testified that Isaza's intent from the moment he gained custody of Lizcano was to free him. Hence, the Fiscalia determined that Isaza had not committed the crime of kidnapping--thereby clearing the legal hurdle to his departure to France. She said that in the case of senior FARC leaders, it would be almost impossible to show they had not committed human rights crimes. In many instances, senior FARC leaders have already been convicted and sentenced for human rights crimes. Cifuentes said the basic legal

framework for demobilization remains the Justice and Peace Law (which provides for reduced jail time in exchange for truth and reparations by the perpetrator.)

NICHOLS